

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO GARCIA-ALGANDAR,

Defendant.

CASE NO. CR06-428 MJP

DETENTION ORDER

Offense charged:

Count I - Conspiracy to Distribute Heroin and Cocaine

Date of Detention Hearing: 12/07/06

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

DETENTION ORDER - 1  
18 U.S.C. § 3142(i)

1                   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2                   (1) The drug offense with which defendant is charged in Count I carries a maximum  
3                   penalty of twenty years of imprisonment. There is therefore a rebuttable presumption  
4                   that defendant will be detained.
- 5                   (2) Nothing has been presented to rebut that presumption.
- 6                   (3) Defendant is reportedly a citizen of Mexico.
- 7                   (4) The United States alleges that his presence in this country is illegal. There is an  
8                   immigration detainer pending against him. The issue of detention in this case is  
9                   therefore essentially moot.
- 10                  (5) Defendant and his counsel offered nothing in opposition to the entry of an order of  
11                  detention.
- 12                  (6) Defendant declined to be interviewed by this court's Pretrial Services Officer.

13

14 It is therefore ORDERED:

- 15                  (1) Defendant shall be detained pending trial and committed to the custody of the Attorney  
16                  General for confinement in a corrections facility separate, to the extent practicable,  
17                  from persons awaiting or serving sentences or being held in custody pending appeal;
- 18                  (2) Defendant shall be afforded reasonable opportunity for private consultation with  
19                  counsel;
- 20                  (3) On order of a court of the United States or on request of an attorney for the  
21                  Government, the person in charge of the corrections facility in which defendant is  
22                  confined shall deliver the defendant to a United States Marshal for the purpose of an  
23                  appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 8<sup>th</sup> day of December, 2006.

/s/John L. Weinberg  
JOHN L. WEINBERG  
United States Magistrate Judge

**DETENTION ORDER - 3  
18 U.S.C. § 3142(i)**